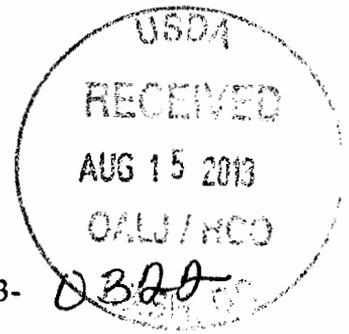


UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:) P & S Docket No. 13-
)
)
Randy Welter,)
)
)
Respondent) Complaint

There is reason to believe that the respondent named herein has willfully violated the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 et seq.) (Act) and the regulations promulgated thereunder by the Secretary of Agriculture (9 C.F.R. § 201.1 et seq.) (Regulations), and, therefore, this complaint is issued alleging the following:

I.

(a) Randy Welter (hereinafter referred to as "Respondent") is an individual. The respondent's mailing address will not be stated in the complaint to protect the privacy of Mr. Welter, but will be provided to the Hearing Clerk's Office, United States Department of Agriculture, for the purposes of service of this complaint.

(b) Respondent is, and at all times material herein was:

- (1) Engaged in the business of a market agency buying livestock in commerce on a commission basis; and
- (2) Engaged in the business of a dealer buying and selling livestock in commerce; and
- (3) Registered with the Secretary of Agriculture as a market agency to buy livestock in commerce on a commission basis and as a dealer to buy and sell livestock in commerce.

II.

Respondent, during the time period of October 25, 2010 through February 8, 2012, in approximately 20 transactions involving approximately 2,266 head of livestock, caused to be generated purchase invoices with false information. Specifically, Respondent purchased livestock at Russell Livestock Market, LLC and Green City Livestock, LLC, both posted stockyards, and directed market personnel to generate purchase invoices that (1) represented that Respondent had resold the approximately 2,266 head of livestock at the market the same day they were purchased when in fact Respondent had not resold the livestock through the ring at the market and had only electronically transferred the livestock onto new purchase invoices; and (2) listed purchase prices for these 2,266 head of livestock that were higher than the actual purchase prices. Respondent then had market personnel transmit the invoices with the marked up prices to his customers on whose behalf Respondent was procuring the livestock. Respondent collected profits of approximately \$21,711.67 as a result of the marked up prices on the false purchase invoices and, in some cases, also collected commissions from his customers.

III.

By reason of the facts alleged in paragraph II herein, Respondent has willfully violated section 312(a) of the Act (7 U.S.C. § 213(a)) and sections 201.44 and 201.53 of the Regulations (9 C.F.R. §§ 201.44, 201.53).

WHEREFORE, it is hereby ordered that this complaint shall be served upon Respondent for the purpose of determining whether Respondent willfully violated the Act and the Regulations. Respondent shall have twenty (20) days after receipt of this complaint in which to

file an answer with the Hearing Clerk, Room 1031-South Building, United States Department of Agriculture, 1400 Independence Avenue, SW., Washington, DC 20250-9200, in accordance with the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.130 et seq.) (Rules of Practice). Allegations not answered shall be deemed admitted for the purpose of this proceeding. Failure to file an answer will constitute an admission of all the material allegations of this complaint.

The Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration requests:

1. That unless Respondent fails to file an answer within the time allowed, or files an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in accordance with the Rules of Practice; and
2. That such order or orders be issued, including an order requiring Respondent to cease and desist from the violations of the Act and the Regulations found to exist, and assessing such civil penalties against Respondent as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.

this 15 day of August, 2013

Regina Zivari for
Susan Keith

Susan B. Keith
Deputy Administrator
Packers and Stockyards Program

Lauren C. Axley
Attorney for Complainant

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